

Introduced by Senator Torlakson

February 18, 2005

An act to amend Section 246.3 of the Penal Code, relating to BB devices.

LEGISLATIVE COUNSEL'S DIGEST

SB 532, as introduced, Torlakson. BB devices.

Except as otherwise authorized by law, any person who willfully discharges a firearm in a grossly negligent manner that could result in injury or death to a person is guilty of a public offense punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison.

This bill would expand the scope of that offense to include a BB device, as defined.

By expanding the scope of an existing crime this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 246.3 of the Penal Code is amended to
2 read:

1 246.3. Except as otherwise authorized by law, any person who
2 willfully discharges a firearm *or a BB device, as defined in*
3 *subdivision (g) of Section 12001*, in a grossly negligent manner
4 which could result in injury or death to a person is guilty of a
5 public offense and shall be punished by imprisonment ~~in the a~~
6 county jail not exceeding one year, or by imprisonment in the
7 state prison.

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the
13 penalty for a crime or infraction, within the meaning of Section
14 17556 of the Government Code, or changes the definition of a
15 crime within the meaning of Section 6 of Article XIII B of the
16 California Constitution.